

**MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
REGIONAL COUNCIL MEETING**

June 29, 2005
MAG Office, Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Mayor Keno Hawker, Mesa, Chair	Mayor Bernadette Jimenez, Guadalupe
Mayor Woody Thomas, Litchfield Park, Vice Chair	* Supervisor Don Stapley, Maricopa County
* Mayor Douglas Coleman, Apache Junction	Councilmember Jini Simpson for Mayor Ron Clarke, Paradise Valley
Vice Mayor Betty Lynch for Mayor Ron Drake, Avondale	Mayor John Keegan, Peoria
* Mayor Dusty Hull, Buckeye	Mayor Phil Gordon, Phoenix
* Mayor Edward Morgan, Carefree	+ Councilmember Gary Holloway for Mayor Wendy Feldman-Kerr, Queen Creek
Vice Mayor Dick Esser, Cave Creek	* President Joni Ramos, Salt River
Mayor Boyd Dunn, Chandler	Pima-Maricopa Indian Community
* Mayor Fred Waterman, El Mirage	Mayor Mary Manross, Scottsdale
President Raphael Bear, Fort McDowell Yavapai Nation	Mayor Joan Shafer, Surprise
Mayor Wally Nichols, Fountain Hills	Mayor Hugh Hallman, Tempe
* Mayor Chris Riggs, Gila Bend	* Mayor Adolfo Gamez, Tolleson
* Governor Richard Narcia, Gila River Indian Community	* Mayor Ron Badowski, Wickenburg
Mayor Steven Berman, Gilbert	Mayor Bryan Hackbarth, Youngtown
Mayor Elaine Scruggs, Glendale	+ Rusty Gant, ADOT
Mayor James M. Cavanaugh, Goodyear	* Joe Lane, ADOT
	F. Rockne Arnett, Citizens Transportation Oversight Committee

* Those members neither present nor represented by proxy.

Attended by telephone conference call.

+ Attended by videoconference call.

1. Call to Order

The meeting of the Regional Council was called to order by Regional Council Chair Keno Hawker at 5:08 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Chair Hawker introduced and welcomed Mayor Bernadette Jimenez from Guadalupe and Vice Mayor Dick Esser from Cave Creek as new members of the MAG Regional Council. He presented them with their membership certificates.

Chair Hawker introduced proxies at the meeting: Vice Mayor Betty Lynch for Mayor Ron Drake, Avondale; Councilmember Jini Simpson for Mayor Ron Clarke, Paradise Valley; and Councilmember Gary Holloway for Mayor Feldman-Kerr, Queen Creek. Chair Hawker stated that Rusty Gant and Councilmember Holloway were attending the meeting via videoconference call.

Chair Hawker stated that the RPTA has provided transit tickets for those who used transit to come to the meeting and garage parking validation was available from staff. Chair Hawker noted materials for agenda items #5B, #5D, #6, and #7 were at each place. The materials were updated to reflect discussion and action at the June 22 Transportation Policy Committee meeting.

3. Call to the Audience

Chair Hawker noted that according to MAG's public comment process, members of the audience who wish to speak are requested to fill out public comment cards. The opportunity for public comment is provided to members of the public to address the Regional Council on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

Chair Hawker recognized public comment from Dianne Barker, who pointed out that this is the fastest growing region and this body is charged with many challenges. She stated that she had come to the meeting on the bus and her bicycle. Ms. Barker explained to the Regional Council how her folding bicycle is easy to transport and is quite useful when the bike racks and the seats on buses have been taken. Ms. Barker expressed thanks for the transit tickets. She wished MAG good luck on air quality. Chair Hawker thanked Ms. Barker for her comments.

4. Executive Director's Report

Dennis Smith reported on Reauthorization. He said that the current extension expires on June 30, 2005. Mr. Smith stated that it seems \$286.5 billion will be the final number adopted by the conferees.

Mr. Smith stated that on June 13, 2005, the Federal Highway Administration and the Federal Transit Administration, in coordination with EPA, determined that the Phoenix urbanized area met the requirements of the EPA Transportation Conformity Rule for the Eight-Hour Ozone Standard.

Mr. Smith stated that a series of meetings will be held in conjunction with updating the MAG Human Services Plan. He said that a schedule of dates and locations of the meetings was at each place.

Mr. Smith stated that Phoenix Chapter of the Public Relations Society of America awarded the Copper Anvil Award of Excellence to MAG. He said that MAG's entry was the Regional Transportation Plan Public Involvement Program in the category of Multi-Element Public Relations Campaigns/Programs.

Mr. Smith stated that on Saturday, June 11, 2005, MAG staffed a booth at the Surfin' on the Santan freeway opening. It was estimated that there were 15,000 people who attended the event. Mr. Smith noted that the Rockin' on the Red Mountain freeway opening for the section from Higley to Power Road took place on Saturday, June 25, 2005.

Chair Hawker presented a Resolution of Appreciation to Norris Nordvold, Intergovernmental Programs Director for the City of Phoenix, upon his retirement.

5. Approval of Consent Agenda

Chair Hawker stated that public comment is provided for consent items. Each speaker is provided with a total of three minutes to comment on the consent agenda. After hearing public comments, any member of the committee can request that an item be removed from the consent agenda and considered individually. He stated that agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, and #5H were on the consent agenda. Chair Hawker stated that staff was available if the Council had any questions on consent agenda items. No questions nor requests to hear an item individually were noted.

Vice Chair Thomas moved to approve consent agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, and #5H. Mayor Hackbarth seconded, and the motion carried unanimously.

5A. Approval of the May 25, 2005 Meeting Minutes

The Regional Council, by consent, approved the May 25, 2005 meeting minutes.

5B. Federal Fiscal Year 2005 MAG Federal Funds Interim Closeout and Amendment/Adjustments to the FY 2004-2007 MAG Transportation Improvement Program and FY 2005 and FY 2006 Unified Planning Work Programs and Annual Budgets

The Regional Council, by consent, approved the interim closeout of Federal FY 2005, as shown in the attached Tables Two and Three and approval of amending/adjusting the FY 2004-2007 MAG TIP and the FY 2005 and FY 2006 Unified Planning Work Programs and Annual Budgets to allow the projects to proceed. In this phase of the closeout process, approximately \$18.5 million is available for the interim closeout, plus a possible \$1.5 million in redistributed Obligation Authority. Approximately \$58 million in project requests have been received for the funds available. On March 24, 2005, the Transportation Review Committee (TRC) recommended allowing 15 projects, totaling \$12.96 million, to defer from FFY 2005 to later years. This is in addition to \$4.6 million in uncommitted funds. To utilize the available funds, on May 26, 2005, the TRC recommended 26 projects, totaling \$20 million, plus an additional \$5,598,825 in contingency projects if any further funds become available or if any projects unexpectedly drop out. The Management Committee recommended the same 26 projects, totaling \$20 million, but increased the list of contingency projects from five to seven and from

\$5,598,825 to \$6,447,525. The Transportation Policy Committee recommended approval of the amendment to the TIP on June 22, 2005.

5C. Consultant Selection for the MAG Regional Bikeway Master Plan

The Regional Council, by consent, approved selecting Sprinkle Consulting, Inc. as the consultant to develop the MAG Regional Bikeway Master Plan for \$150,000. The FY 2005 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council, includes \$150,000 of Congestion Mitigation and Air Quality (CMAQ) funding for the development of the MAG Regional Bikeway Master Plan. A multi-jurisdictional review team evaluated the five proposals received and recommended to the MAG Regional Bicycle Task Force that Sprinkle Consulting, Inc. be selected to develop the MAG Regional Bikeway Master Plan for \$150,000. The MAG Regional Bicycle Task Force and the Management Committee recommended that Sprinkle Consulting, Inc. be awarded the \$150,000 contract to develop the MAG Regional Bikeway Master Plan.

5D. Amendment to the FY 2004-2007 MAG Transportation Improvement Program to Add a Phoenix Federally Funded Bridge Replacement and Rehabilitation Project and a Glendale Hazard Elimination Safety (STP-HES) Project for FY 2005

The Regional Council, by consent, approved an amendment to the FY 2004-2007 MAG Transportation Improvement Program to add a bridge replacement and rehabilitation funded project at 19th Avenue at the Grand Canal in Phoenix and a safety improvement project to the intersection of 51st and Northern Avenues in Glendale to FY 2005. Following approval of the FY 2004-2007 MAG TIP on November 25, 2003, some projects have been identified that need to be added to the TIP to allow them to proceed during the current fiscal year. A bridge over the Grand Canal at 19th Avenue in the City of Phoenix has been awarded Bridge Replacement and Rehabilitation (BR) funds, and the City of Glendale has received STP-HES funds for making improvements to the intersection of 51st and Northern Avenues. A TIP Amendment is needed to allow these projects to proceed, but both projects would be regarded as exempt for which an air quality conformity analysis is not required. The Transportation Review Committee and the Management Committee recommended approval of a TIP Amendment to add the BR funded project in Phoenix and the Safety funded project in Glendale. The Transportation Policy Committee recommended approval of the amendment to the TIP on June 22, 2005.

5E. Proposed New Federal Functional Classification for Old Litchfield Road, From Indian School Road to Bird Lane

The Regional Council, by consent, concurred with Federally classifying Old Litchfield Road from Indian School Road to Bird Lane, as an Urban Collector. The City of Litchfield Park has requested to raise the functional classification for Old Litchfield Road, Indian School Road to Bird Lane from the current classification of Local Street to Urban Collector. The roadway is regarded as being eligible for reclassification and staff are recommending that MAG concurrence with the City's request should be forwarded to the Arizona Department of Transportation. The Transportation Review Committee and the Management Committee recommended concurrence of this functional classification change.

5F. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment to the FY 2004-2007 MAG Transportation Improvement Program. The amendment includes a City of Phoenix request for a Bridge Replacement and Rehabilitation project over the Grand Canal at 19th Avenue for FY 2005 and a City of Glendale request for a federally-funded safety improvement project at 51st and Northern Avenues for FY 2005. In addition, as part of the Federal FY 2005 Interim Year End Closeout, the proposed amendment includes new projects and changes to existing projects in the FY 2004-2007 MAG TIP. The amendment includes projects that may be categorized as exempt from conformity determinations and minor project revisions that do not require a conformity determination. Comments on the conformity assessment were requested by June 29, 2005. This item was on the agenda for consultation.

5G. Consultant Selection for the MAG Biogenics Study

The Regional Council, by consent, approved selecting Environ International Corporation for the MAG Biogenics Study for an amount not to exceed \$99,625. The Fiscal Year 2005 MAG Unified Planning Work Program includes a MAG Biogenics Study to assess the emissions of precursors from plants in the modeling area on the formation of ozone and PM-10. A request for proposals was advertised to improve the MAG biogenic emission estimates for the ozone and PM-10 nonattainment areas. Three proposals were submitted by Sonoma Technology, Inc., Environ International Corporation, and MACTEC Federal Programs, Inc. A multi-jurisdictional review team evaluated the proposals received and recommended to MAG that Environ International Corporation be selected for an amount not to exceed \$99,625. The Management Committee concurred with the review team.

5H. Preparations for Conducting the 2005 Census Survey

At the May 2005 Regional Council meeting, an update on preparations for the 2005 Census Survey was provided. Since that time a number of events have transpired. Address lists have been forwarded to the Census Bureau to reduce the amount of block canvassing field work and help control census costs. The address canvassing operation is nearing completion for the 12 agencies that did not provide address lists. The proposed list of outdoor locations was transmitted to the Census Bureau. A print test of the census questionnaire was conducted, mail materials reviewed and input provided by member agencies. MAG has updated the Census Survey 2005 Web site to include downloads for the regional brochure and frequently asked questions. APS generously printed 100,000 regional census brochures at no cost to MAG. These brochures were distributed to each participating member agency. This item was on the agenda for information.

6. Requested Change for the MAG Regional Freeway Program

Eric Anderson addressed the Committee on a request from the Arizona Department of Transportation for a cost increase of about \$17.6 million for the Red Mountain Freeway segment between Power Road and University Drive. Mr. Anderson noted that state statute requires that MAG approve any change in priorities, new projects, or requests that materially increase the cost of a project. He added that this project is funded by Proposition 300. Mr. Anderson stated that this has been a challenging project with

many engineering issues. He said that the increase is due to additional noise mitigation requirements, water runoff requirements, canal access maintenance requirements, increased noise wall and excavation quantities, and price increases in steel and concrete, the breakdown of which was included in the agenda packet. Mr. Anderson stated that ADOT provided a breakdown of the miscellaneous costs of \$3.56 million, which includes about \$200,000 for channel lining and about \$3.4 million for pavement-related costs. He advised that an analysis of the cash flow forecasts for the Regional Freeway Program has found that adequate cash balances are available to accommodate this increase.

Mr. Anderson stated that staff and ADOT have been discussing improving the cost estimation process. Mr. Anderson stated that it is realistic that there will be cost increases, but staff wants to ensure that the cost estimation process is sound. Mr. Anderson stated that staff saw the preliminary cost estimates for two Proposition 400 projects and they came within the RTP estimates. Mr. Anderson noted that the Transportation Policy Committee recommended approval of the cost increase for the Red Mountain Freeway from Power Road to University Drive.

Chair Hawker thanked Mr. Anderson for his presentation and asked the Council if there were any questions. Hearing none, he called for a motion.

Mayor Hallman moved to approve the cost increase for the Red Mountain Freeway from Power Road to University Drive. Vice Chair Thomas seconded, and the motion carried unanimously.

7. Arterial Life Cycle Program Policies and Procedures

Mr. Anderson stated that the Transportation Policy Committee (TPC) recommended approval of the Arterial Life Cycle Program (ALCP) Policies and Procedures to guide the implementation of the Arterial Street Program. He noted that a copy of the final document was at each place. Mr. Anderson stated that the action by the TPC included the recommendation to delete Appendix B, "Examples of Non-Aesthetic and Aesthetic Enhancements," at this time. He added that the TPC also recommended including a note that the projects designated to use federal funds be equitably distributed among the jurisdictions. He explained that the federal funding process includes a more rigorous process to satisfy requirements than the local or sales tax funding process. Chair Hawker thanked Mr. Anderson for his report and asked the Council if there were any questions. Hearing none, he asked for a motion.

Mayor Scruggs moved to approve the Arterial Life Cycle Program Policies and Procedures. Mayor Manross seconded, and the motion carried unanimously.

8. Update on Critical Issues with the Maricopa County Air Programs

Bob Kard, Director of the Maricopa County Air Quality Department, updated the Council on the Department's efforts to address air quality issues in the region. Mr. Kard addressed staffing in the Air Quality Department. He stated that two inspectors have been hired to fill existing vacancies and he is working with the County Office of Management and Budget on converting the temporary positions to permanent positions. He said that the Department now has a Human Resources officer and a Finance/Business Manager on staff. Mr. Kard noted that he would soon be announcing the Department's new Deputy Director. He stated that when the temporary positions have completed the

conversion to permanent positions, the Department will work with cities on posting the job announcements for 22 vacancies.

Mr. Kard then addressed the Notice of Deficiency. He stated that the Department has been revamping the permits and getting them out on time. Mr. Kard advised that there will be no problem getting the plan of action to the EPA by the August deadline in order to avoid sanctions. Mr. Kard then went on to discuss issues that might be encountered from the forest fires in the area. Chair Hawker thanked Mr. Kard for his update and asked the Council if there were any questions.

Mayor Hackbarth stated that he and his Town Manager had concerns that the qualifications for the inspector positions were too high. He said that it has been one month and the County had yet to hire anyone. Mayor Hackbarth stated that the timeline for hiring requested by the Regional Council last month had not been provided. He stated that the positions should be hired within 30 days. Mr. Kard replied that Mayor Hackbarth could make that demand, but he was working as fast as he could on the hiring process. He noted that complying with the law and Human Resources mandates required a certain amount of time that he could not work around. Mr. Kard stated that he was unwilling to lower the educational requirements for the inspectors because it limits the resources available on all fronts of air quality. He stated that he wanted staff to be cross-trained so they can perform a multitude of tasks and to increase efficiency.

Mayor Hackbarth asked Mr. Kard if the County would be willing to reimburse the region if federal funds were lost because inspectors were not on the job. Mr. Kard replied that the region will not lose funding because the inspectors will be hired. He stated that he was trying to work with the Office of Management and Budget; however, he could not put a gun to their heads and tell them to speed up the process. Mr. Kard stated that he had to follow the legal mandates for hiring and could not short circuit the process.

Mayor Hackbarth stated that it seemed that progress had not been made since Mr. Kard's report to the Council last month. Mr. Kard replied that it was like watching a snail crawl—if you look every couple of seconds, you cannot see much progress. With a longer viewpoint, you might see more progress. Mr. Kard stated that he had made significant progress in the last week alone by bringing on three management staff.

Chair Hawker stated that the question seemed to be regarding when the Air Quality Department would be fully staffed. Mr. Kard replied that he was waiting to the County Office of Management and Budget to convert the temporary positions to permanent positions. After that, the positions will be advertised for new hires. Mr. Kard commented that he had no control over the Office of Management and Budget, and was in daily contact with them. He promised the Council that the staff would be hired so there would not be sanctions. Mr. Kard also advised that he was working closely with the EPA. He commented that the Council will see that the EPA is satisfied with what the Air Quality Department is doing. Mr. Kard then expressed that he took offense that the Council felt he would fail. He stated that from ground zero, he had put together the best program in the United States for enforcement. Mr. Kard remarked that he felt a monthly update was too frequent, because the reports would be too similar. However, he was willing to do what the Council requested other than telling him how to run his

program. Mr. Kard stated that he would listen to suggestions, but would not have the Council dictate to him.

Chair Hawker stated that the question is how the Council could help the Air Quality Department. He said that the Supervisors communicate with the Mayors and listen to their concerns in times of reelection. If this is an issue of jeopardizing highway funds, that would be of interest to them. Mr. Kard stated that the cities agreeing to post the job announcements is helpful. In addition, Supervisor Max Wilson will be sending a letter to the cities on how they can help with dust control issues. Mr. Kard stated that the Department is open to suggestions, but the Council telling him to cut the requirements for inspectors is not going to make a quality program.

Vice Chair Thomas stated that Mr. Kard is not the person to challenge on this issue—it is the County. Vice Chair Thomas stated that it is up to them, not Mr. Kard, to move this forward. He stated that prior to Mr. Kard being hired, the County should have gotten this done.

Mayor Gordon stated that he had been informed that Supervisor Don Stapley had been hospitalized and that is why he was not at the meeting. He expressed that it might be a good idea for the EPA to address the Council that from their perspective, everything is moving along correctly. Mayor Gordon indicated that it would be helpful for the EPA to know the Council's concerns. Mr. Kard stated that the Supervisors have been very supportive of the Department's efforts. He advised that they adopted the non-metallic mineral mining processing rule, which is a very tough rule, and met with much opposition. Mr. Kard stated that he would bring forward rules and ideas as they develop. Chair Hawker thanked Mr. Kard for the update.

9. Election of Regional Council Officers and Executive Committee Members

Mayor Scruggs reported that the MAG Nominating Committee met in May 2005 and recommended a slate of officers for 2005-2006. She said that the Regional Council officers include the Chair, Vice Chair and Treasurer, and the three At-Large Members as members of the Executive Committee. According to the MAG Nomination Process, the Past Chair of the Regional Council also serves on the Executive Committee. Mayor Scruggs moved to elect Mayor Keno Hawker, Mesa, as Chair; Mayor J. Woodfin Thomas, Litchfield Park, as Vice Chair; Mayor Mary Manross, Scottsdale, as Treasurer; Mayor James Cavanaugh, Goodyear, Mayor Phil Gordon, Phoenix, and Mayor Joan Shafer, Surprise, as the three At-Large Members; and Mayor Wendy Feldman-Kerr, Queen Creek, the Past Chair. Mayor Nichols seconded, and the motion carried unanimously.

10. Comments from the Council

An opportunity was provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Vice Chair Thomas expressed his appreciation to the Regional Council for the faith expressed in him to serve on the Executive Committee.

Mayor Hackbarth expressed his gratitude to Mayor Gordon and the City of Phoenix for their assistance on the park dedicated to the honor of fallen Phoenix Police Officer, David Uribe. Mayor Hackbarth requested keeping Youngtown's Vice Mayor in their thoughts. He said that the Vice Mayor had been hospitalized that morning after suffering a stroke.

There being no further business, the Regional Council meeting adjourned at 5:40 p.m.

Chair

Secretary